

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

Wilhelmus Everhardus HENNINK et al.

Serial No.: 10/804,302

Filing Date: March 18, 2004

For: TEMPERATURE SENSITIVE  
POLYMERS

Confirmation No. 7804

Group Art Unit: 1615

Examiner: Eric E. Silverman, Ph. D.

**AMENDMENT UNDER 37 C.F.R. § 1.111 /  
RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

This is in response to an Office action herein, mailed 26 February 2007, time for response to which is set to expire 26 March 2007. Restriction was required.

Applicants hereby elect to prosecute the invention of Group II, claims 5-12 drawn to a controlled release composition. This election is made with traverse as it is believed that claims 1-4 are specific to the essential ingredient of the controlled release systems of claims 5-12. While the polymer of claims 1-4 may have other uses, the requirement for inclusion of this polymer in the controlled release systems of the elected claims is analogous to a patentable composition and its method of use, which claims are typically rejoined if the compositions are allowable. Therefore,

applicants respectfully request the Examiner to reconsider this requirement. However, a provisional election to prosecute the claims of Group II is made.

As to the election of species, applicants elect, with traverse, the homopolymer of N-(2-hydroxypropyl) methacrylamide dilactate. Applicants understand that should the species be found to be patentable, the generic claims and remaining species will be examined in this application as well.

No amendments to the claims have been made and the claims are included herein merely for the convenience of the Office.